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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,358	01/11/2002	Beng S. Ong	D/A1332	6793

7590 05/20/2003

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[REDACTED] EXAMINER

KIELIN, ERIK J

ART UNIT	PAPER NUMBER
2813	[REDACTED]

DATE MAILED: 05/20/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <i>DM</i>
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EXAMINER

ART UNIT      PAPER

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Commissioner for Patents

## DETAILED ACTION

### *Response to Amendment*

The reply filed on 21 March 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicant has amended independent claim 1 of the elected species of thiophenes of Group I to be “regioselective” which reads on the non-elected species of Groups III, IV, and V -- not on the species of Group I which possesses no such stereoregularity. (See instant specification, p. 12, lines 4-7 which points out that regioregularity is directed to formula (II) for example.) Also the added claims of 36-37 are not members of the species of Group I, but belong instead to one of Groups III, IV, or V. Applicant cannot switch species in the middle of prosecution. Election by original presentation prevents the examination of a different invention after a first action on the merits --see 37 CFR 1.142 (b) and MPEP § 821.03. The action could be made final, since no claims in the application are drawn to the elected species. However, in the interest of customer service, Examiner is holding the amendment non-responsive to give Applicant the opportunity to amend the claims within the elected species.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 2813

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik Kielin whose telephone number is 703-306-5980. The examiner can normally be reached on 9:00 - 19:30 on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr., can be reached at 703-308-4940. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Erik Kielin

May 18, 2003